

104TH CONGRESS  
1ST SESSION

# S. 1185

To authorize the Secretary of the Interior to enter into an agreement with the State of South Dakota providing for maintenance, operation, and administration by the State, on a trial basis during a period not to exceed 10 years, of 3 National Park System units in the State, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

AUGUST 11 (legislative day, JULY 10), 1995

Mr. PRESSLER introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

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## A BILL

To authorize the Secretary of the Interior to enter into an agreement with the State of South Dakota providing for maintenance, operation, and administration by the State, on a trial basis during a period not to exceed 10 years, of 3 National Park System units in the State, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “South Dakota National  
5       Parks Preservation Act”.

1 **SEC. 2. MAINTENANCE, OPERATION, AND ADMINISTRATION**  
2 **OF NATIONAL PARK SYSTEM UNITS IN THE**  
3 **STATE OF SOUTH DAKOTA.**

4 (a) DEFINITIONS.—In this section:

5 (1) DEPARTMENT.—The term “Department”  
6 means the Department of Game, Fish and Parks of  
7 the State of South Dakota.

8 (2) NATIONAL PARK SYSTEM UNITS.—The term  
9 “National Park System units” means Mount Rush-  
10 more National Memorial, Wind Cave National Park,  
11 and Jewel Cave National Monument, in the State of  
12 South Dakota.

13 (3) SECRETARY.—The term “Secretary” means  
14 the Secretary of the Interior, acting through the Di-  
15 rector of the National Park Service.

16 (b) AGREEMENT.—The Secretary may enter into an  
17 appropriate form of agreement with the Secretary of the  
18 Department of Game, Fish and Parks of the State of  
19 South Dakota providing for the maintenance, operation,  
20 and administration of the National Park System units by  
21 the Department for a period not to exceed 10 years.

22 (c) PERFORMANCE.—An agreement under subsection  
23 (b) shall—

24 (1) establish performance standards to ensure  
25 that the National Park System units receive appro-

1        piate maintenance and provide appropriate levels of  
2        service to the public; and

3            (2) provide that if the Department fails to meet  
4        those standards, as determined by the Secretary, the  
5        agreement shall be terminated under such terms and  
6        conditions as the agreement may provide.

7        (d) REPORT TO CONGRESS.—An agreement under  
8        subsection (b) shall provide that not later than 2 years  
9        after the date of the agreement, and annually thereafter,  
10       the Department shall report to Congress on matters rel-  
11       evant to the carrying out of the agreement.

12       (e) FEE.—An agreement under subsection (b) may  
13       provide that the Secretary will pay the Department an an-  
14       nual fee in an amount not to exceed the amount expended  
15       by the Secretary during fiscal year 1994 for maintenance,  
16       operation, and administration of the National Park Sys-  
17       tem units.

18       (f) USER FEES.—An agreement under subsection (b)  
19       may provide that if, after a number of years stated in the  
20       agreement, it appears that the annual cost to the Depart-  
21       ment of maintaining and operating the National Park Sys-  
22       tem units has exceeded and will continue to exceed the  
23       amount of the annual payment under subsection (e), the  
24       Department will be permitted, notwithstanding any other  
25       law, to charge the public entrance fees and other fees for

- 1 use of the National Park System units in reasonable
- 2 amounts agreed to by the Secretary.

